

-2-

34. (New) The nail die assembly, according to claim 33 is further comprised of:
a fastening means for fixing the cutter insert to the cutter body.

35. (New) The nail die assembly, according to claim 34 wherein said cutter insert has an acute locating angle for cooperating with said pocket acute loading angle.

36. (New) The nail die assembly, according to claim 34 wherein said fastening means is an offset screw.

37. (New) The nail die assembly, according to claim 35 wherein the apex of said cutter insert acute locating angle is rounded and the apex of acute locating angle of said pocket is rounded.

38. (New) The nail die assembly, according to claim 37 wherein said rounded pocket apex has a radius of curvature smaller than said radius of curvature of said cutter insert so as to enable said cutter insert to firmly seat against said pocket.

REMARKS

This election is in response to the written restriction requirement mailed January 31, 2003. The applicants provisionally elect the invention of Group II, with traverse.

The Office Action divides the claims into three distinct inventions:

- I. Claims 1-21, drawn to a clamping jaw, classified in class 470, subclass 195.
- II. Claims 22-27, drawn to a nail cutter, classified in class 30, subclass 278.
- III. Claims 28-30, drawn to a nail, classified in class 411, subclass 439.

The applicants respectfully submit that the restriction requirement set forth by the examiner is

-3-

erroneous and improper. The examiner, under item #2, indicates that the inventions of Group I and Group II are related as combination and subcombination, respectively. Upon inspection of claims 1-21, none of these claims appears to recite a nail die assembly (clamping jaw assembly and nail cutter). Claims 1-16 recite the clamping jaw assembly and claims 17-21 recite the clamping insert. In MPEP 806.05(a) the definition, "A combination is an organization of which a subcombination or element is a part". The cutting insert is not an element in any of claims 1-21. Therefore, the Examiner has incorrectly identified and accordingly improperly restricted these claims. It is respectfully requested that the Examiner reconsider this restriction requirement and appropriately withdraw it.

The applicants respectfully submit that the restriction requirement relating to Group I and Group III set forth by the examiner is erroneous and improper. The examiner, under item #3, indicates that the inventions of Group I and Group III are related as apparatus and product made. The applicants indicate that the product of Group III can be made by a different apparatus, such as "a nail rolling apparatus". The MPEP requires the examiner to give a reason for his/her position, typically by way of indicating an alternative method/design, see MPEP 806.05(g). The Examiner has provided such an example. The applicants' representative in this instance is unfamiliar with such technology and requests the Examiner to better identify this "nail rolling apparatus" and how it would be used to make a sinusoidal nail. Is this technology known in the art?

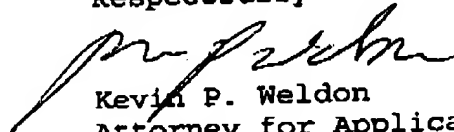
In view of the improper application of the restriction requirement to claims 1-30 by the examiner, it is respectfully submitted that the restriction requirement be withdrawn. New claims 31-38 are directed to the nail die assembly. It is earnestly solicited that all the claims, claims 1-38, stand pending and be considered on their merits by the Examiner.

-4-

In view of the remarks, and above amendments and arguments, it is believed that claims 1-38 are patentable over the art of record. Thus, applicants respectfully request a Notice of Allowance indicating claims as being allowable. If for any reason the examiner does not believe that the application is in condition for allowance, the examiner is requested to telephone applicants with any comments or questions (724-539-3848) in order to expedite prosecution of the application.

The Commissioner is hereby authorized to charge any fees, including additional filing fees required under 37 CFR 1.16 and 1.17, in connection with this submission to Kennametal Inc. corporate Deposit Account 11-0508.

Respectfully submitted,



Kevin P. Weldon
Attorney for Applicant(s)
Registration No. 47,307
Phone: 724-539-3848
Date: February 28, 2003

Kennametal Inc.
P.O. Box 231
Latrobe, PA 15650

KG1807\3058amn